

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,
LAFACE RECORDS LLC; WARNER
BROS. RECORDS INC.; SONY BMG
MUSIC ENTERTAINMENT; BMG
MUSIC; and UMG RECORDINGS, INC.

E-filing

ORIGINAL
FILED
SEP 20 2007
RICHARD W. WILKINS
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PJH

LAFACE RECORDS LLC, a Delaware limited
liability company; WARNER BROS.
RECORDS INC., a Delaware corporation;
SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; BMG MUSIC, a
New York general partnership; and UMG
RECORDINGS, INC., a Delaware corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

007-04872
CASE NO.

EX PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular
6 sound recordings in the United States, seek leave of the Court to serve limited, immediate discovery
7 on a third party Internet Service Provider ("ISP") to determine the true identity of Defendant John
8 Doe ("Defendant"), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online
10 media distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted
11 works to the public. Although Plaintiffs do not know the true name of Defendant Doe, Plaintiffs
12 have identified Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the
13 date and time of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents
15 that identify Defendant's true name, current (and permanent) address and telephone number, e-mail
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot
17 identify Defendant Doe or pursue their lawsuit to protect their copyrighted works from repeated
18 infringement.

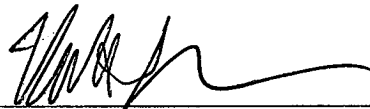
19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in
20 advance of a Rule 26(f) conference where there are no known defendants with whom to confer.
21
22
23
24
25
26
27
28

1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the
2 foregoing requested discovery immediately.

3
4
5 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

6
7 By:



MATTHEW FRANKLIN JAKSA

Attorney for Plaintiffs

8 LAFACE RECORDS LLC; WARNER
9 BROS. RECORDS INC.; SONY BMG
10 MUSIC ENTERTAINMENT; BMG
11 MUSIC; and UMG RECORDINGS, INC.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28